

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 4, 1867.

Read twice, referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. JAMES M. ASHLEY, on leave, introduced the following bill :

A BILL

To aid in the construction of a railroad and telegraph line from the Colorado river to the Pacific Central railroad, and to secure to the government of the United States the use of the same for postal, military, and other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That John A. Dix, Thomas B. Bunting, Gardiner S. Hutch-
4 inson, Richard L. Delisser, Lewis A. Osborn, Peter Balen,
5 junior, Frederick Prentice, Albert Clark, Augustus C. Downing,
6 and H. A. R. Moen, of New York ; Marcus L. Ward, of New
7 Jersey ; Joseph S. Clark, of Pennsylvania ; Asa W. Mad-
8 docks, William Baker, William Prentice, and E. E. Barney,
9 of Ohio ; J. B. Crippen, of Michigan ; Clinton B. Fisk, of
10 Missouri ; John Titus, of Utah ; Josiah Riley and W. H.
11 Raymond, of Nevada, and all persons who shall or may

12 be associated with them and their successors, are hereby cre-
13 ated and erected into a body corporate and politic, in deed
14 and in law, by the name, style, and title of "The Colorado
15 River and Pahranaġat Central Railroad Company," and by
16 that name shall have perpetual succession, and shall be able to
17 sue and be sued, plead and be impleaded, defend and be
18 defended, in all courts of law and equity, within the United
19 States, and may make and have a common seal; and the said
20 corporation is hereby authorized and empowered to lay out,
21 locate, construct, furnish, maintain, and enjoy a continuous
22 railroad and telegraph, with the appurtenances, from a point
23 on the Colorado river in Arizona Territory, by the way of
24 Pahranaġat Lake Mining district, to some point connecting
25 with the Pacific Central railroad, between the degrees of thirty-
26 five and forty, upon the routes and terms hereinafter provided,
27 and is hereby vested with all the powers, privileges, and im-
28 munities necessary to carry into effect the objects and pur-
29 poses of this act, as hereinafter set forth. The capital stock
30 of said company shall consist of one hundred thousand shares,
31 of one hundred dollars each, and shall be transferable in such
32 manner as the by-laws of said corporation shall provide.
33 The persons hereinbefore named are hereby constituted and
34 appointed commissioners, and such body shall be called the
35 Board of Commissioners of the Colorado River and Pahranaġat
36 Central Railroad Company, and five shall constitute

37 a quorum for the transaction of business. The first meeting
38 of said board shall be held at the city of New York, at such
39 time as the commissioners herein named shall appoint, not
40 less than one nor more than three months after the passage of
41 this act. Said board shall organize by the choice, from its
42 number, of president, secretary, and treasurer; and they shall
43 require from such treasurer such bonds as may be deemed pro-
44 per, and may from time to time increase the amount thereof as
45 they may deem proper. It shall be the duty of said board of
46 commissioners to open books, or cause books to be opened, at
47 such times and in such principal cities as they, or a quorum of
48 them, shall determine, to receive subscriptions to the capital
49 stock of said corporation, and a cash payment of ten per
50 centum on all subscriptions, except as hereinafter provided,
51 and to receipt therefor: *Provided, however,* That the said
52 board are hereby authorized to issue such portion of the stock
53 of the company as may be necessary in payment of necessary
54 expenses incurred in and about the organization of said com-
55 pany and for the labor and services done and performed in
56 the construction of said railroad and telegraph, and the stock
57 so issued shall be considered full paid stock and not subject to
58 any further calls or assessments. So soon as ten thousand
59 shares shall be in good faith subscribed for, and ten dollars per
60 share actually paid into the treasury of the company, the said
61 president and secretary of said board of commissioners shall

62 appoint a time and place for the first meeting of the subscribers
63 to the stock of said company, and shall give notice thereof in
64 at least one newspaper in each State in which subscription
65 books have been opened, at least thirty days previous to the
66 day of meeting, and such subscribers who shall attend the
67 meeting so called, either in person or by proxy, shall then
68 and there elect by ballot not less than nine directors for said
69 corporation; and in such election each share of said capital
70 stock shall entitle the owner thereof to one vote. The presi-
71 dent and secretary of the board of commissioners shall act as
72 inspectors of such election, and shall certify under their hands
73 the names of the directors elected at said meeting, and the said
74 commissioners, treasurer, and secretary shall then deliver over
75 to said directors all the properties, subscription books, and
76 other books in their possession, and thereupon the duties of
77 said commissioners and said officers previously appointed by
78 them shall cease and determine forever, and thereafter the
79 stockholders shall constitute said body politic and corporate.
80 The directors so chosen shall, as soon as may be after their
81 election, elect, from their own number, a president and vice-
82 president, and shall also elect a treasurer and secretary. No
83 person shall be a director in said company unless he shall
84 be a bona fide owner of at least fifty shares of stock in the
85 said company. Said company, at any regular meeting of the
86 stockholders called for that purpose, shall have power to

87 make by-laws, rules, and regulations, as they shall deem
88 needful and proper, touching the disposition of the stock,
89 property, estate, and effects of the company, not inconsistent
90 herewith, the transfer of shares, term of office, duties and
91 conduct of their officers and servants, and all matters what-
92 soever which may appertain to the concerns of said com-
93 pany ; and the said board of directors shall have power to
94 appoint such engineers, agents, and subordinates as may from
95 time to time be requisite to carry into effect the objects of
96 this act; and to do all acts and things touching the location
97 and construction of said road and telegraph. Said directors
98 may require payment of subscriptions to the capital stock
99 after due notice, at such times and in such proportions as they
100 shall deem necessary to complete the railroad and telegraph
101 within the time in this act prescribed. Said president,
102 vice-president, and directors shall hold their office for two
103 years, and until their successors are duly elected and qualified,
104 or for such less time as the by-laws of the corporation may
105 prescribe, and a majority of said directors shall constitute a
106 quorum for the transaction of business. The secretary and
107 treasurer shall give such bonds, with such security as the
108 said board of directors shall from time to time require, and
109 shall hold their offices at the will and pleasure of the direc-
110 tors. Annual meetings of the stockholders of the said cor-
111 poration, for the choice of officers (when they shall be chosen)

112 and for the transaction of annual business, shall be holden
113 at such time and place and upon such notice as may be
114 prescribed in the by-laws.

1 SEC. 2. *And be it further enacted,* That the right of
2 way through the public lands be, and the same is hereby,
3 granted to said company for the construction of said railroad
4 and telegraph line, and the right, power, and authority is
5 hereby given to the said company to take from the public
6 lands adjacent to the line of said road earth, stone, timber,
7 and other materials for the construction thereof; said right
8 of way is granted to said railroad to the extent of two hundred
9 feet in width on each side of said railroad where it may pass
10 over the public lands, including all necessary grounds for
11 stations, buildings, erections, workshops, and depots, machine
12 shops, switches, side tracks, turntables, and water stations.
13 The United States shall extinguish, as rapidly as may be, the
14 Indian titles to all lands falling under the operation of this
15 act, and required for the said right of way and grants herein-
16 after made.

1 SEC. 3. *And be it further enacted,* That there be, and
2 is hereby, granted to the said company for the purpose of
3 aiding in the construction of said railroad and telegraph line,
4 and to secure the safe and speedy transportation of the mails,
5 troops, and munitions of war, and public stores thereon,
6 every alternate section of public land not containing gold or

7 silver, designated by odd numbers, to the amount of ten
 8 alternate sections per mile on each side of the said railroad,
 9 on the line thereof, and within the limits of twenty miles on
 10 each side of said road, not sold, reserved, or otherwise dis-
 11 posed of by the United States, and to which a pre-emption
 12 or homestead claim may not have attached at the time the
 13 line of said road is definitely fixed, and all such lands so
 14 granted by this section which shall not be sold or disposed of
 15 by said company within four years after the entire road shall
 16 have been completed, shall be subject to settlement and pre-
 17 emption like other lands, at a price not exceeding one dollar
 18 and twenty-five cents per acre, to be paid to said company:
 19 *Provided*, That said company shall not charge higher rates
 20 to the government, its officers or agents, than they do to in-
 21 dividuals for like transportation and telegraphic service.

1 SEC. 4. *And be it further enacted*, That whenever said
 2 company shall have completed twenty consecutive miles of
 3 any portion of said railroad ready for the service contemplated
 4 by this act, and supplied with all necessary drains, culverts,
 5 viaducts, crossings, sidings, bridges, turn-outs, watering
 6 places, depots, equipments, furniture, and all other appurte-
 7 nances of a first class railroad—the rail and all the other iron
 8 used in the construction and equipment of said road to be of
 9 American manufacture of the best quality—the President of
 10 the United States shall appoint three commissioners to exam-

11 ine and report to him in relation thereto ; and if it shall appear
 12 to him that twenty consecutive miles of said railroad have been
 13 completed and equipped in all respects as required by this act,
 14 then, upon certificate of said commissioners to that effect, patents
 15 shall issue conveying the right and title to said lands to said
 16 company on each side of the road so far as the same is com-
 17 pleted, to the amount aforesaid, and subject to the restriction
 18 aforesaid ; and patents shall in like manner issue as each
 19 twenty miles of said railroad are completed, upon certificate of
 20 said commissioners. Any vacancies occurring in said board
 21 of commissioners by death, resignation, or otherwise, shall be
 22 filled by the President of the United States: *Provided, how-*
 23 *ever,* That no such commissioners shall be appointed by the
 24 President of the United States, unless there shall be presented
 25 to him a statement, verified on oath, by the president of said
 26 company, that such twenty miles have been completed in the
 27 manner required by this act, and setting forth with certainty
 28 the points where such twenty miles begin, and where the
 29 same end; which oath shall be taken before a judge of a
 30 court of record.

1 SEC. 5. *And be it further enacted,* That said company
 2 shall file their assent to this act, under the seal of said com-
 3 pany, in the Department of the Interior, within one year after
 4 the passage of this act, and shall complete said railroad, as
 5 herein provided, to the Colorado river, before the first day of

3 July, eighteen hundred and seventy-six: *Provided*, That
7 within three years after the passage of this act, said company
8 shall designate the general route of said road, as near as may
9 be, and shall file a map of the same in the Department of
10 the Interior, whereupon the Secretary of the Interior shall
11 cause the lands within twenty miles of said designated route
12 or routes to be withdrawn from pre-emption, private entry
13 and sale. When any portion of said route shall be finally
14 located, the Secretary of the Interior shall cause the said lands
15 hereinbefore granted to be surveyed and set off as fast as may
16 be necessary for the purposes herein named.

1 SEC. 6. *And be it further enacted*, That the said com-
2 pany be, and hereby is, empowered to enter upon, purchase,
3 take, and hold any lands and premises that may be necessary
4 and proper for the construction and working of said road, not
5 exceeding in width one hundred feet on each side of its center
6 line, unless a greater width be required for the purpose of
7 excavation or embankment, and also any lands or premises
8 that may be necessary and proper for turnouts, standing places
9 for cars, depots, station-houses, or any other structures re-
10 quired in the construction and operating of said road. And
11 said company shall have the right to cut and remove trees or
12 other materials that might by falling encumber its road-bed,
13 though standing or being more than one hundred feet there-
14 from. And in case the owner or claimant of such lands or

15 premises, and such company cannot agree as to the damages,
16 the amount shall be determined by the appraisal of three dis-
17 interested commissioners, who may be appointed upon appli-
18 cation by any party to any judge of a court of record in
19 any of the States or Territories in which the lands or premises
20 to be taken may be situated, and said commissioners in their
21 assessment of damages, shall appraise such premises at what
22 would have been the value thereof if the road had not been
23 built, and upon return into court of such appraisement, and
24 upon the payment to the clerk thereof, of the amount so
25 awarded by the commissioners for the use and benefit of
26 the owners thereof, said premises shall be deemed to be
27 taken by said company, which shall thereby acquire full title
28 to the same, for the purposes aforesaid. And either party
29 feeling aggrieved by said assessments may within thirty days
30 file an appeal therefrom, and demand a jury of twelve men
31 to estimate the damage sustained, but such appeal shall not
32 interfere with the rights of said company to enter upon
33 the premises taken, or to do any act necessary in the con-
34 struction of its road. And said party appealing shall, before
35 his appeal shall be effectual for any purpose, give bonds,
36 with sufficient surety or sureties, to be approved by a judge
37 of said court of record, for the payment of any costs that
38 may arise upon such appeal. And in case the party appeal-
39 ing does not obtain a more favorable verdict, such party shall

40 pay the whole cost incurred by the appellee as well as by
41 himself. And the payment into court for the use of the
42 owner or claimant of a sum equal to that finally awarded
43 shall be held to vest in said company the title of said land,
44 and the right to use and occupy the same for the con-
45 struction, maintaining, and operating the road of said com-
46 pany. And in case any of the lands to be taken as aforesaid
47 shall be held by any person residing without the Territory
48 or subject to any legal disability, the court may appoint a
49 proper person, who shall give bonds, with sufficient surety or
50 sureties, to be approved by the court, as to form, execution,
51 and sufficiency of the sureties, for the faithful execution of his
52 trust, and who shall represent in court the person disqualified
53 or absent as aforesaid, when the same proceedings shall be
54 had in reference to the appraisement of the premises to be
55 taken, and with the same effect, as have been already
56 described. And in case it shall be necessary for the said
57 company to enter upon lands which are unoccupied, and of
58 which there is no apparent owner or claimant, it may pro-
59 ceed to take and use the same for the purpose of its said rail-
60 road, and may institute proceedings in manner described for
61 the purpose of ascertaining the value of, and acquiring a title
62 to, the same; and the court may determine the kind of
63 notice to be served upon such owner or owners, and may in
64 its discretion appoint an agent or guardian to represent such

owner or owners in case of his or their incapacity or non-ap-
pearance. It shall be competent for the legal guardian of
any infant or any other person under guardianship to agree
with the proper company as to damages sustained by reason
of the taking of any lands of any such person under disability,
as aforesaid, for the use as aforesaid, and upon such agreement
being made and approved by the court having supervision of
the official acts of said guardian, the said guardian shall have
full power to make and execute a conveyance thereof to the
said company, which shall vest the title thereto in the said
company.

SEC. 7. *And be it further enacted,* That said company
is hereby authorized, from time to time, to borrow such sum
or sums of money as may be necessary for completing and
furnishing or operating its said railroad, and to issue and
dispose of its bonds in denominations of not less than five
hundred dollars each, bearing a rate of interest not exceeding
seven per centum per annum, for any amount so borrowed
and to mortgage the corporate property and franchises or con-
vey the same by deed of trust, to secure the payment of any
debt contracted by said company for the purposes aforesaid.
And the directors of said company may confer upon any
bondholder of any bond issued for money borrowed as afore-
said, the right to convert the principal due or owing thereon
into stocks of said company at any time not exceeding ten

15 years from the date of the bond, under such regulations as the
 16 directors of said company may see fit to adopt, and all sales of
 17 such bonds that may be made at less than their par value shall
 18 be good and valid, and binding upon said corporation as if
 19 said bonds had been sold for the full amount thereof.

1 SEC. 8. *And be it further enacted,* That the line of said
 2 railroad and telegraph shall commence either at its terminus
 3 on the line of the Pacific Central railroad, or at such point on
 4 the Colorado river as shall be found most eligible, and shall
 5 proceed by the shortest and most feasible route, via the Pah-
 6 ranagat Lake mining district: *Provided, however,* That said
 7 company, in the construction of its said road, may com-
 8 mence at either or both termini, or at any desirable point or
 9 points intermediate, or at all such points at the same time:
 10 *And provided further,* That said company may, with the
 11 consent of the legislature of the State of Nevada, when it
 12 may be deemed advisable for the purpose of shortening its
 13 route, or for any other purpose, construct some portion of its
 14 road within the limits of the said State of Nevada.

1 SEC. 9. *And be it further enacted,* That the track upon
 2 the entire line of railroad and branches to be constructed in
 3 pursuance of the terms of this act, shall be of uniform width
 4 with that determined upon by the directors of the Union
 5 Pacific railway, and the grades and curves shall not exceed

6 the maximum grades and curves of the Baltimore and Ohio
7 railroad.

1 SEC. 10. *And be it further enacted*, That the said
2 company may connect or intersect its road with the road of
3 the Pacific Central Railroad Company, whenever the routes
4 of said roads may cross each other, and for that purpose shall
5 have all the privileges, and be vested with all the rights
6 granted in and by section fifteen of an act entitled "An act
7 to aid in the construction of a railroad and telegraph line
8 from the Missouri river to the Pacific ocean," approved July
9 first, eighteen hundred and sixty-two.

1 SEC. 11. *And be it further enacted*, That the said com-
2 pany is authorized to accept to its own use any grant, dona-
3 tion or loan, power, franchise, aid or assistance which may be
4 granted to or conferred upon said company by the Congress
5 of the United States, by the legislature of any State, county,
6 or municipal corporation, or by any corporation, person or
7 persons, and said corporation is authorized to hold and enjoy
8 any such grant, donation, loan, or power, franchise, aid or
9 assistance, to its own use, for the purpose aforesaid.

1 SEC. 12. *And be it further enacted*, That the better to,
2 accomplish the object of this act, namely, to promote the
3 public interest and welfare by the construction of said rail-
4 road and telegraph line, and keeping the same in working
5 order, and to secure to the government at all times, (but par-

6 ticularly in time of war or rebellion,) the use and benefit of
7 the same for postal, military, and other purposes, Congress
8 may at any time, having due regard for the rights of said
9 Colorado River and Pahrana-gat Central Railroad Company,
10 add to, alter, amend, or repeal this act.

1 SEC. 13. *And be it further enacted*, That the corpora-
2 tion hereby created under the provisions of this act, shall
3 make to the Secretary of the Treasury an annual report,
4 wherein shall be set forth—

5 First. The names of the stockholders and their places of
6 residence, so far 'as the same can be ascertained.

7 Second. The names and residences of the directors and
8 all other officers of the company.

9 Third. The amount of stock subscribed, and the amount
10 thereof actually paid in.

11 Fourth. A description of the line of road surveyed, of
12 the lines thereof fixed upon for the construction of the road,
13 and the cost of such survey.

14 Fifth. The amount received from passengers on the
15 road.

16 Sixth. The amount received for freight thereon.

17 Seventh. A statement of the expenses of said road and
18 its fixtures.

19 Eighth. A statement of the indebtedness of said com-
20 pany, setting forth the various kinds thereof; which report

21 shall be sworn to by the president of said company, and shall
22 be presented to the Secretary of the Treasury on or before
23 the first day of July in each and every year.

1 SEC. 14. *And be it further enacted,* That in case the
2 said company shall fail to obtain bona fide subscriptions to its
3 stock to the amount of one million dollars, ten per centum to
4 be paid within two years from the passage of this act, then
5 and in that case this act shall be and become null and void.